



Office of the Attorney General
State of Texas

September 2, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Annette Jones
Police Legal Advisor
City of Waco
Legal Services
P. O. Box 2570
Waco, Texas 76702-2570

OR92-527

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17029.

You have received a request for statements of witnesses to an accident that occurred on July 24, 1992. You claim that the requested information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act.

Section 3(a)(8) of the act excepts:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

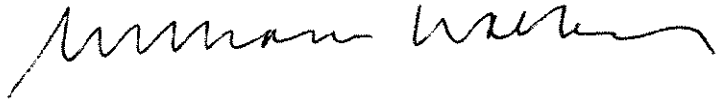
Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5.

We understand that the requested information relates to pending prosecution against one of the persons involved in the accident for involuntary manslaughter and for failing to stop and render aid. We have examined the

documents submitted for our review and conclude that the requested information may be withheld under Open Records Act section 3(a)(8). Because we resolve this matter under section 3(a)(8), we need not address the applicability of section 3(a)(3).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-527.

Yours very truly,

A handwritten signature in black ink, appearing to read 'William Walker', with a stylized, flowing script.

William Walker
Assistant Attorney General
Opinion Committee

WW/GCK/lmm

Ref.: ID# 17029

cc: Mr. Stephen A. Hensley
Claim Specialist
State Farm Insurance Companies
P. O. Box 689
Belton, Texas 76513-0689